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**Meeting Date:** August 28, 2025      **Agenda Type:** Consent Items for Action

**From:** Jill Barney      **Reviewed by:** Darrin Jensen  
Project Manager      Director of Enterprise Project  
Management Office

**Submitted by:** David Hubbard      **Approved by:** Ryan Kelso  
Chief Administrative Officer      Chief Executive Officer

**RECOMMENDED ACTION:** Authorize the CEO or His Designee to Negotiate and Execute an AIA Amendment to the Professional Services Agreement with Marmon Mok Architecture for the NBU Headquarters Facility Project, Located on a 76-Acre Tract of Property at the Intersection of Engel Road and IH 35, for Additional Design, Permitting, and other Services

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## BACKGROUND

On May 28, 2020, New Braunfels Utilities (“NBU”) entered into a Professional Services Agreement (the “Agreement”) with Marmon Mok Architecture (“Marmon Mok”) for Architectural Design Services for a campus consolidation project to consolidate the Main Office and Operations Center into a single campus to improve efficiency, communication, and collaboration between the various divisions (“Original Services”) for the NBU Headquarters Project (“NBU HQ”), to be completed by September 30, 2023, (the “Project”). This Agreement went to the Board of Trustees for approval because it was over the \$500,000 threshold.

The Project was delayed briefly to allow for the completion of a staffing study, and upon completion of the study, it was determined that a larger site was required to accommodate the additional staff identified. Upon review of multiple sites, a new site was selected. The new campus is a 76-acre tract located in west New Braunfels between FM 482 and I-35 South at Engel Road.

Upon completion of the staffing study and the selection of the new site, NBU and Marmon Mok identified a need to add additional services to expand the scope of the Project to accommodate approximately 765 employees, an increase from 417 originally programmed, and all of the additional expansions to accommodate the larger employee count, resulting in NBU and Marmon Mok entering into the First Amendment to the Professional Services Agreement in December of 2023 (the “First Amendment”).

Now, NBU and Marmon Mok desire to amend the contract again to include the following additional services (i) civil engineering design, surveying, permitting, and required Authority Having Jurisdiction services, (ii) additional topographic survey, (iii) offsite utility easement metes and bounds, (iv) metes and bounds for detention basin drainage easement, (v) Daisy Way extension coordination, (vi) demolition plan

set and permit support, (vii) Site Permit #1 (“SP1”) CDs – mass grading, erosion control, onsite utilities, retaining wall grading, water quality and onsite storm drains, (viii) SP1 drainage report, (ix) SP1 NBU permitting, (x) SP1 City Permitting, (xi) Site Permit #2 (SP2) CDs – bridge, retaining wall, and detention control structure, (xii) foundation CDs and permit support, (xiii) TxDOT plan modifications, (xiv) renewal of TxDOT utility permit, (xv) future NBU water improvement project coordination, (xvi) western courtyard and retaining wall drain systems, (xvii) hike and bike trail – grading and low water crossing, (xviii) geo-technical boring and analysis, (xix) increased number of borings to accommodate larger building footprints and site configuration, retaining wall locations, and bridges, (xx) geo-technical analysis of increased number of samples, (xxi) brush clearing to access boring locations, and (xxii) wireless data service mapping (the “Additional Services”)

As a result, NBU staff requests that the Board of Trustees approve the Second Amendment to the Agreement (the “Second Amendment”) to (i) add the Additional Services, (ii) authorize additional compensation for the Additional Services, and (iii) extend the completion through June of 2025.

This item is being presented to the Board because the total amount for the Project exceeds \$250,000.00.

## **FINANCIAL IMPACT**

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The total financial impact of the Second Amendment is \$342,320.00. The total contract amount for the Agreement, the First Amendment, and the Second Amendment with Marmon Mok for the Project is \$11,597,270.00. The Project is budgeted within the Fiscal Year 2023 through Fiscal Year 2026 NBU Board approved Capital Improvement Projects Budget as NBU Headquarters.

## **LINK TO STRATEGIC PLAN**

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### **Infrastructure and Technology**

### **Safety and Security**

## **EXHIBITS**

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1. AIA G802 Second Amendment to the Professional Services Agreement with Marmon Mok